



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

No reader of this work can fail to be impressed by its many high qualities, but he will experience some chagrin and be put to unnecessary trouble by the lack of index, list of authorities, explanation of abbreviations and adequate table of contents. There are also a few mistakes in the names of authors cited and occasional errors in spelling. As illustrations—"Summer" is cited as "Sumner," "Willing" is given as "William," and "impracticable" is spelled "impracticable." These features are regrettable in so valuable a work, and somewhat surprising in view of the manifest expense of production and the typographical reputation of the Oxford University Press. The need of index and list of authorities is really great enough to warrant publishing them as an addendum, which it is hoped will be done.

William W. Smithers.

Philadelphia, Pa.

THE AMERICAN PHILOSOPHY OF GOVERNMENT. Essays by Alpheus Henry Snow. G. P. Putnam's Sons, The Knickerbocker Press, New York City, 1921, pp. III, 485.

This volume, which is made up of a number of essays published by the author from time to time during the period extending from 1906 to 1919, takes its title from an essay reprinted from *The American Journal of International Law* for April, 1914, and now given the first place in this collection. But the author's theory of this so-called "American Philosophy" permeates all the essays and constitutes the fundamental basis for the conclusions reached.

This theory regards our system as finding its most definite statement in the Declaration of Independence, and as intended to safeguard primarily the rights of the individual. "To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed." These governments are therefore in the nature of the agents of the governed, and their authority is properly circumscribed and limited by the underlying consent, and may not be construed as extending to unjust ends: the courts constitute the natural and safest machinery for establishing these limitations, and this explains their power in the American system to invalidate legislation which exceeds the authority of the Government, the people's agent.

In these principles the author finds a basis for the delimitation of the country's colonial power—that it may be exercised in the nature of leadership for the benefit of our possessions, but not in an imperial fashion for our own advantage.

He also derives important conclusions with respect to international relations, contending that the fundamental purposes and ideals of our institutions cannot be preserved by federation with other states established upon a different underlying theory, especially if to such federation is given compulsive power. Rather, it is contended, is it to be desired that the international relations should be conducted under a looser association functioning preferably by way of conciliation instead of by way of arbitration or judicial determination, and exercising such authority as it exerts by a process which the author calls "Judicative Conciliation." By this term he describes ad-

vice to states involved in a controversy based upon a thorough inquiry by another state, or by other states, conducted in judicial fashion.

Throughout the essays runs the same thought that, in the long run, co-operation without the compulsive feature will produce a nearer approximation to a solution of the international problem than the closer union of a league. Thus with singularly apt description of the choice which seems to confront the world the author says in an essay reprinted from *The World Court Magazine*, of April, 1918:

"After the present great war is ended, a time is certain to arrive for considering the problem of international reorganization and reconstruction. The question will be, whether to maintain and perfect the existing co-operative union of the nations, or to change it into a universal federal state or into a universal confederation or league of nations. The first of these courses seems most expedient. This would necessitate a gradual development of the existing co-operative union by a long series of international conferences, each endeavoring to remove obstacles to international co-operation and to provide more and more effective organs and processes for directing the nations towards the observance of the co-operative principle. Through such a continuous development, co-operative union of the nations might be found adequate to produce the nearest approximation to international justice, order and peace of which the human race is capable."

In dealing with the power of the courts to invalidate unconstitutional legislation, the contention is advanced that the due process clause has been pressed far beyond its intended scope and should be restricted to "a taking away on account of wrong-doing," a contention novel more by way of positive suggestion than by way of negative criticism. There is, of course, full recognition that this point of view is of academic interest only, in view of the decisions; and the tendency of these decisions away from the safeguarding of contractual and property rights to a greater concern for the social interests of the individual and the community is helpfully discussed.

In addition to the essays which deal primarily with the author's analysis of his theory of the "American Philosophy of Government" and with the conclusions he derives therefrom in relation to the problems of dependencies and international relations, the book includes essays on Shantung, the German Colonies and the Mandatory System, as well as essays on the Law of Nations, the Proposed Codification of International Law, and the Alien in the Community.

Henry Wolf Bicklé.

*Law School,  
University of Pennsylvania.*

THE LAW OF THE SEA. A Manual of the Principles of Admiralty Law for Students, Mariners and Ship Operators. By George L. Canfield and George W. Dalzell. With a Summary of the Navigation Laws of the United States by Jasper Yeates Brinton. D. Appleton & Co., New York City, 1921, pp. xvi, 315.

Appleton's new publication in its "Shipping Series," the *Law of the Sea* has been in the hands of the public for a sufficient length of time to justify an appraisalment of its value as the manual it professes to be.